

Remarks

Claims 2, 3, and 5-8 are pending in the subject application and currently stand rejected. Favorable reconsideration of the pending claims is respectfully requested in view of the following remarks.

Claims 2, 3 and 5-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kondo *et al.* (U.S. Pat. Pub. No. 2002/0061722) in view of Kilham *et al.* (U.S. 4,529,306). Applicant respectfully traverses because Kondo *et al.* and Kilham *et al.*, alone or in combination do not teach or suggest each and every limitation of the claims.

Contrary to the assertions at pages 4-5 of the present Action, Kilham *et al.* does not teach a detection apparatus that, combined with Kondo *et al.*, falls within the scope of the claimed photo image sensor detecting sizes of particles included in the detected cross-sectional image and a particle density of two dimensions of the slurry across a cross-section of a by-pass.

In particular the Kilham *et al.* reference does not teach “a cross-sectional image of the slurry flowing in the by-pass” as claimed. Rather, Kilham *et al.* teaches a detection apparatus that images only a portion of the total cross-section of the molten polymer stream by observation of the lateral cross-section (*see* Fig. 3, and col. 4, lines 39-65 of Kilham *et al.*). Specifically, Kilham *et al.* states at col. 4, lines 49-52, for a generally round cross-section, “viewing angle V enables observation probe 24 to view approximately 30% to 60% of the total cross-section of the melt stream.” For an elliptical cross-section with longitudinal axis alignment, Kilham *et al.*, at col. 4, line 58, states that up to about 80% to 90% can be observed. Thus, regardless of the shape for the cross-section taught by Kilham *et al.*, the detection apparatus observes and images only a portion of the cross-section. Thus, it cannot provide a cross-sectional image.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103(a) rejection of the claims.

In view of the foregoing remarks, Applicant believes that the claims as currently pending are in condition for allowance, and such action is respectfully requested.

Applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

Respectfully submitted,



Jeff Lloyd

Patent Attorney

Registration No. 35,589

Phone No.: 352-375-8100

Fax No.: 352-372-5800

Address: Saliwanchik, Lloyd & Saliwanchik
A Professional Association
P.O. Box 142950
Gainesville, FL 32614-2950

JL/abt/sjk